

## ATTACHMENT I

# DECLARATION AND POWER OF ATTORNEY

(For Use with Application Data Sheet)

|                    |   |
|--------------------|---|
| Title Of Invention | Device and Method for Determining the Orientation of an Eye |
|--------------------|---|

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ PCT International Application No. PCT/EP01/11634, filed 08 October 2001 (08.10.2001).  
☐ Application No. \_\_\_\_\_, filed \_\_\_\_\_ as amended on \_\_\_\_\_ (if applicable);

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable;

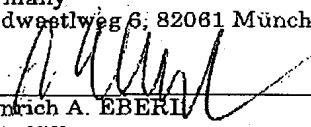
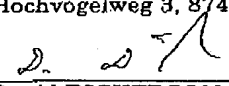
I/we hereby appoint the practitioners at **CROWELL & MORING LLP**, whose Customer Number is:

**23911**

as my/our attorneys to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith; and

All statements made herein of my/our own knowledge are true; all statements made herein on information and belief are believed to be true, and further these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME(S) of INVENTOR(S)

|                    |   |                            |
|--------------------|---|----------------------------|
| Signature:         | Roland H. EBERL **  | Date: _____                |
| Inventor one:      | Germany   |                            |
| Citizen of:        |   |                            |
| Last resident at:  | Brodwestweg 8, 82061 München-Neuried, Germany                                       |                            |
|                    |   |                            |
| Signature:         |  | Date: <u>June 22, 2009</u> |
| Inventor two:      | Heinrich A. EBERL   |                            |
| Citizen of:        | Germany   |                            |
| Resident at:       | Hochvogelweg 3, 87463 Probstried, Germany   |                            |
|                    |   |                            |
| Signature:         |  | Date: <u>June 16, 2009</u> |
| Inventor three:    | David DICKERSON **  |                            |
| Citizen of:        | United States   |                            |
| Resident at:       | Gartenstrasse 51, 85354 Freising, Germany   |                            |
|                    |   |                            |
| Signature:         | Matthias MAYER *  | Date: _____                |
| Signatory:         | Germany   |                            |
| Citizen of:        |   |                            |
| Resident of:       | Munich, Germany (to the best of the other signatories' knowledge)                   |                            |
| Place of business: | Löwengrube 12, 80333 Munich, Germany  |                            |

\* Signing on behalf of Roland H. Eberl, deceased, as Mr. Eberl's legal representative

\*\* Signing as inventor and on behalf of Roland H. Eberl, deceased, in lieu of Mr. Matthias Mayer, who refused to sign this declaration (see accompanying sheet).

# Accompanying Sheet

to the Declaration directed to  
PCT International Application  
PCT/EP01/11634

executed by

David DICKERSON on June 16<sup>th</sup>, 2009  
on behalf of Roland H. EBERL, deceased, and  
in lieu of Mr. Matthias Mayer, Mr. Roland Eberl's legal representative

To my great sadness, joint inventor Roland H.C. EBERL passed away on November 15<sup>th</sup>, 2007. By virtue of Mr. Roland Eberl's assignment of this application to me on June 13<sup>th</sup>, 2005, I believe to have sufficient interest in this application to execute the subject declaration on behalf of Mr. Roland Eberl notwithstanding execution by his legal representative who, however, refuses to sign.

Mr. Roland Eberl was a citizen of Germany. To the best of my knowledge, he was last resident in Germany at Brodwastlweg 6, 82061 München-Neuried.

Joint inventor Mr. Heinrich Eberl is likewise a citizen of Germany and is, to the best of my knowledge, resident in Germany at Hochvogelweg 3, 87463 Probstried.

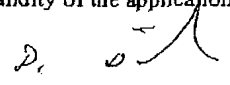
I, David Dickerson, am a US citizen and am currently resident in Germany at Gartenstrasse 51, 85354 Freising.

In the period from March 18<sup>th</sup>, 2008 to November 4<sup>th</sup>, 2008, the curatorship of Mr. Roland Eberl's estate was entrusted to Mr. Matthias Mayer, attorney at law. To the best of my knowledge, Mr. Mayer is a citizen of Germany, resident in Munich, Germany. He has his place of business at Löwengrube 12, 80333 Munich, Germany.

I first contacted Mr. Mayer in October 2008 re the necessary declaration for the present application. At that time, I had just learned of Mr. Roland Eberl's tragic death. In a telephone conversation with Mr. Mayer in October 2008, it became apparent that Mr. Mayer had been unaware of Mr. Roland Eberl's inventorship. In this respect, Mr. Mayer's letter of November 3<sup>rd</sup>, 2008 states that he "is unaware of any activities relating to the present patent." Although I had offered my support (as well as the support of my legal representative before the USPTO) should any questions arise and had assured him in writing in late October 2008 that no costs would be incurred to him or to Roland Eberl's heirs in conjunction with my request that he sign the Declaration, Mr. Mayer never asked for a copy of the application.

Following the USPTO's Decision of February 5<sup>th</sup>, 2009, I wrote to Mr. Mayer on March 13<sup>th</sup> and 30<sup>th</sup>, 2009 explaining the reasons behind the USPTO's finding of February 5<sup>th</sup>, 2009 that insufficient evidence had been brought forth to conclude that Mr. Mayer refuses to sign the declaration as the legal representative of the deceased inventor. Both letters offered to provide him with a copy of the application at no charge. In response to these letters, Mr. Mayer sent me the accompanying letter dated March 31<sup>st</sup>, 2009.

All statements made herein of my own knowledge are true; all statements made herein on information and belief are believed to be true, and further these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

  
David Dickerson, June 16<sup>th</sup>, 2009